REMARKS

Claims 19, 22, 25, 26 and 28-31 are pending in this application. By this Amendment, Claims 19, 22, 25, 26 and 29-31 are amended. Favorable reconsideration is respectfully requested in light of the following Remarks.

Entry of this Amendment is proper under 37 CFR §1.116 because this Amendment: (a) places the application in condition for allowance (for the reasons discussed herein); (b) does not raise any new issue requiring further search and/or consideration because the amendments amplify issues previously discussed throughout prosecution; (c) does not add claims without deleting an appropriate number of claims; and (d) places the application in better form for appeal, should be appeal be necessary. This Amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Entry of this Amendment is thus respectfully requested.

I. Formal Matters

The Office action objects to Claim 29 because of an informality. By this Amendment, Claim 29 is amended to correct the informality. Withdrawal of the objection is respectfully requested.

II. The Claims Satisfy The Requirements of 35 USC §112, Second Paragraph

The Office action rejects Claim 30 under 35 USC §112, second paragraph asserting that the phrase "the retaining plate" lacks antecedent basis. By this Amendment, Claim 30 is amended to provide proper antecedent basis. Withdrawal of the rejection is respectfully requested.

III. The Claims Define Patentable Subject Matter

The Office Action rejects Claims 19, 22, 25, 26 and 28-31 under 35 USC §102(b) over Winter (DE 197 05 803, hereinafter "Winter"). The rejection is respectfully traversed.

Independent Claim 31 specifies, *inter alia*, a brake pad and brake piston assembly comprising a brake piston having an outer surface encircled by a circumferential groove, and a retaining spring coupled to a brake pad, wherein the retaining spring engages the circumferential piston groove, thereby detachably coupling the brake pad to the piston. The retaining spring includes at least one spring element having a first portion that applies an axial spring force on opposite sides of the piston to urge the brake pad against the piston, and a second portion that applies a radial spring force to the brake pad in a vertical direction that is generally perpendicular to an axis of travel of the piston.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *See MPEP §2131.* Contrary to the Office action that all of the elements of Claim 31 is disclosed in Winter, at least the feature of a retaining spring including at least one spring element having a first portion which applies an axial spring force at two contact point locations on opposite sides of the piston to urge the brake pad against the piston, and a second portion which applies a radial spring force to the brake pad at one contact point location in a vertical direction which is generally perpendicular to an axis of travel of the piston, is not disclosed, taught or suggested in Winter, so the rejection is unsupported by the art and should be withdrawn.

For at least this reason, Claim 31 is allowable over the applied art. Claims 19, 22, 25, 26 and 28-30, which depend from Claim 31, are likewise allowable over the applied art. Withdrawal of the rejection is respectfully requested.

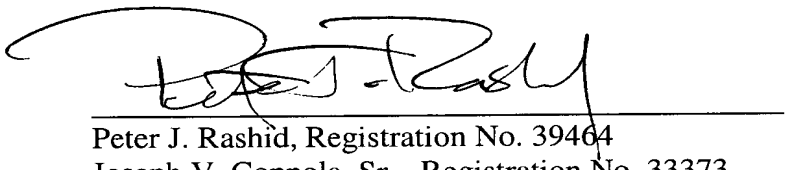
IV. Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of the application is earnestly solicited.

Should Examiner Pezzlo believe anything further would be desirable in order to place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

It is believed that any additional fees due with respect to this paper have already been identified. However, if any additional fees are required in connection with the filing of this paper, permission is given to charge account number 18-0013 in the name of Rader, Fishman and Grauer PLLC.

Respectfully submitted,



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MARKED UP VERSION OF ALL AMENDED CLAIMS

19. (Twice Amended) The brake pad as claimed in claim 31, wherein the brake pad includes a carrier plate and a friction lining applied thereto, wherein the retaining ~~element~~ spring is undetachably connected to the carrier plate.

22. (Twice Amended) The brake pad of claim 31, wherein the ~~first~~ at least one spring element includes two first ~~spring~~ portions which are arranged opposite each other with respect to said piston axis.

25. (Twice Amended) The brake pad of claim 31, further including two ~~first~~ spring elements, wherein each one of said two spring elements includes ~~one~~ a first ~~spring~~ portion for urging the brake pad against the piston.

26. (Once Amended) The brake pad of claim 25, wherein the two ~~first~~ spring elements are arranged opposite each other with respect to the piston axis.

29. (Twice Amended) The brake pad of claim 31, wherein the retaining ~~member~~ spring is configured as a hook or eyelet.

30. (Twice Amended) The brake pad of claim 31, ~~wherein the~~further comprising a retaining plate ~~is~~ configured as a damping plate.

31. (Once Amended) Brake pad and brake piston assembly, comprising:

_____a brake piston having an outer surface encircled by a circumferential groove,

_____a retaining spring coupled to a brake pad, wherein said retaining spring engages said circumferential piston groove, thereby detachably coupling the brake pad to the piston,

wherein the retaining spring includes at least one spring element having a first portion which applies an axial spring force at two contact point locations on opposite sides of the piston to ~~urges~~ urge the brake pad against the piston, and a second portion which applies a

radial spring force to the brake pad at one contact point location in a vertical direction which is generally perpendicular to an axis of travel of ~~said~~ the piston.